

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15CR542 HEA
)	
LARRY VAN HOOK, et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the June 15, 2016 Report and Recommendation of Magistrate Judge David D. Noce addressing Defendant Hook's Motion to Dismiss the Indictment, [Doc. No. 173]. Defendant has filed written *pro se* objections to this recommendation.

When a party objects to the magistrate judge's report and recommendation, the Court must conduct a *de novo* review of the portions of the report, findings, or recommendations to which the party objected. See *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir.2003) (citing 28 U.S.C. § 636(b)(1)). Pursuant to 28 U.S.C. § 636, the Court will therefore conduct such a *de novo* review of those portions of the Memorandum to which Defendant objects. The Court has reviewed the entire record for this purpose.

Defendant claims that under certain rules, there is no Real Party in Interest herein because there is no victim, nor are there any damages, therefore there can be

no claim against him.

Judge Noce's Report and Recommendation thoroughly discusses the applicable law regarding the issues and applies that law to the factual circumstances which occurred. Judge Noce's recommendation is based on sound and thorough legal analysis and attentiveness to the evidence. Nothing contained in the Recommendation is contrary to the law, nor does it misstate the facts. Judge Noce reviewed and considered Defendant's arguments and authority that he presented in his moving papers. The objections are overruled.

Judge Noce's conclusions are based on sound legal analysis. The Court agrees with Judge Noce's conclusions in their entirety. The Recommendation is adopted *in toto*.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss the Indictment, [Doc. No. 173], is denied.

Dated this 6th day of September, 2016.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE